

## UNITED STATES DISTRICT COURT

for the  
Eastern District of MichiganIn the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) )

Case No. 22-mc-51002-3

61 GRANTOUR COURT IN PONTIAC, MICHIGAN )

(More fully described in Attachment A) )

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See ATTACHMENT A.

located in the \_\_\_\_\_ Eastern \_\_\_\_\_ District of \_\_\_\_\_ Michigan \_\_\_\_\_, there is now concealed (*identify the person or describe the property to be seized*):

See ATTACHMENT B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm and Ammunition

The application is based on these facts:

See attached AFFIDAVIT.

- ☒ Continued on the attached sheet.  
☐ Delayed notice \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signatureSpecial Agent Brett J. Brandon, ATF  
Printed name and title

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: June 16, 2022

City and state: Detroit, Michigan



Judge's signature

Hon. Kimberly G. Altman, U. S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR EASTERN DISTRICT OF MICHIGAN

IN THE MATTER OF THE SEARCH  
OF **61 GRANTOUR COURT IN**  
**PONTIAC, MICHIGAN**

Case No. 22–mc–51002-3

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

I, Brett J. Brandon, being first duly sworn, hereby state:

**I. INTRODUCTION AND BACKGROUND**

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia.

2. I am currently assigned to the Oakland County Sheriff's Office Pontiac Substation with ATF Special Agent Kenton Weston. Special Agent Weston and I are tasked with investigating violent firearm crimes committed within the city of Pontiac. During my employment with ATF, I have conducted and/or participated in over 100 criminal investigations involving the possession and use of firearms, drug trafficking violations, and criminal street gangs. Special Agent Weston, who has been a Special Agent with ATF for over four years, has participated in dozens of similar criminal investigations.

3. This affidavit is based on my personal knowledge, my participation in this investigation (including interviews conducted by myself and/or other law enforcement agents), communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

4. The information set forth in this affidavit is in support of a search warrant for 61 Grantour Court in Pontiac, Michigan (“Subject Premises”) and is for the limited purpose of establishing probable cause. This affidavit does not include all the information, known to law enforcement, related to this investigation.

5. ATF is currently conducting a criminal investigation concerning Henry Lee SMITH Jr. (DOB: XX/XX/1991) for violations of 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm and Ammunition), among other state and federal criminal violations.

## **II. EXECUTIVE SUMMARY**

6. Henry Lee SMITH Jr. was involved in a shooting on May 15, 2022, in the city of Pontiac, Eastern District of Michigan. SMITH is a multi-convicted felon. Marquell Warner, who was with SMITH during the shooting, was shot. Surveillance video revealed that, after the shooting, SMITH hid firearms in an alley in Pontiac. The same video depicted SMITH, hours later, retrieving the suspected firearms.

7. On June 3, 2022, a federal search warrant was obtained for call detail records, a pen register, and GPS ping information for a cellular phone associated with SMITH (“SMITH’s phone”). A review of the historical records confirmed that SMITH’s phone was in the area on the date and time of the aforementioned shooting. SMITH’s phone was also in the area of the alley where SMITH hid and retrieved firearms.

8. Historical records, ATF surveillance, and Oakland County Sheriff’s Department (OCSO) surveillance established that, from May 15, 2022, through June 3, 2022, and June 14 through June 16, 2022, SMITH and his phone were either at the Subject Premises or utilized a cellular tower that served an area that included the Subject Premises. From June 3, 2022, through the late evening on June 14, 2022, SMITH’s phone was in the area of Rockwood, Tennessee.

9. Based on my training and experience, probable cause exists that SMITH stores the firearms and/or other evidence related to the shooting at the Subject Premises. Evidence related to the shooting is relevant to this investigation to establish that SMITH, a felon, possessed firearms.

### **III. PROBABLE CAUSE**

#### **A. Criminal History**

10. On October 5, 2007, SMITH was found guilty in the Sixth Judicial Circuit Court, Oakland County, of felony Carrying a Concealed Weapon. No sentencing information was immediately available.

11. On July 22, 2009, SMITH pleaded guilty in the Sixth Judicial Circuit Court, Oakland County, to felony Receiving and Concealing Stolen Property - Motor Vehicle and felony Third Degree Fleeing and Eluding. On August 24, 2009, SMITH was sentenced to sixteen months to five years in prison.

12. On September 27, 2016, SMITH pleaded guilty in the Sixth Judicial Circuit Court, Oakland County, to felony Possession of a Controlled Substance less than 25 grams (Cocaine, Heroin or Another Narcotics). On October 11, 2016, SMITH was sentenced to serve seventy-two days in the Oakland County Jail and eighteen months of probation.

#### **B. Shooting Investigation**

13. On May 15, 2022, at approximately 7:57 p.m., OCSO responded to the McLaren Oakland Hospital in Pontiac. The OCSO received a report of a walk- in gunshot wound victim. The victim was identified as Marquell Marquise Warner. Warner had been shot in the upper middle part of his back and near his right wrist. Warner claimed he remembered nothing about the shooting.

14. Approximately 30 minutes later, OCSO was dispatched to the area of Raeburn Street and Woodward Avenue for a report of shots fired. The caller reported the following: They heard approximately fifteen gunshots; a black Chevrolet Impala sped off roughly ten minutes prior to the 911 call; and there was a “balloon release” memorial event in the area.

15. The OCSO observed broken glass and recovered eighteen 9mm and three .45 caliber fired cartridge casings from the front of 133 Raeburn Street, which is located approximately 540 feet from Woodward, in Pontiac. The Oakland County Forensic Science Laboratory subsequently advised, based on the ballistic evidence, that at least four firearms were used in the shooting.

16. The next day, on May 16, 2022, at approximately 3:57 p.m., the OCSO was dispatched to 45660 Woodward Avenue located one tenth of a mile from 133 Raeburn Street. The dispatch was to investigate a report of property damage by gunfire. The caller reported that their vehicles had been struck as a result of the May 15 shooting. The OCSO responded and observed gunshot damage to both vehicles. The caller was not home during the shooting. A tenant in one of their buildings stated that, when the shooting occurred, a white Dodge Ram four-door pick-up truck drove away at a high rate of speed.

17. An OCSO source of information (SOI) observed SMITH and Warner commit the drive-by shooting at the balloon release memorial in Warner’s white

Dodge Ram. The OCSO SOI specifically observed SMITH firing shots during the incident.

18. The OCSO obtained surveillance video from downtown Pontiac, approximately one and a half miles from the scene of the shooting. The video was recorded on May 15, 2022, at 7:49 p.m. The video showed a white Dodge Ram driven by and registered to Warner come to a complete stop. SMITH exited the front passenger seat of the vehicle, wearing a black Nike t-shirt with white lettering and black jogging shoes, near an alley between N. Saginaw and Wayne Street, north of W. Huron. SMITH ran down the alley holding both pockets of his pants and his waistband area. The pockets appeared to contain heavy objects that weighed down his pants. SMITH's identity was confirmed after Detective Bader and I independently reviewed an Oakland County Jail booking photograph and a Michigan Secretary of State image of SMITH.

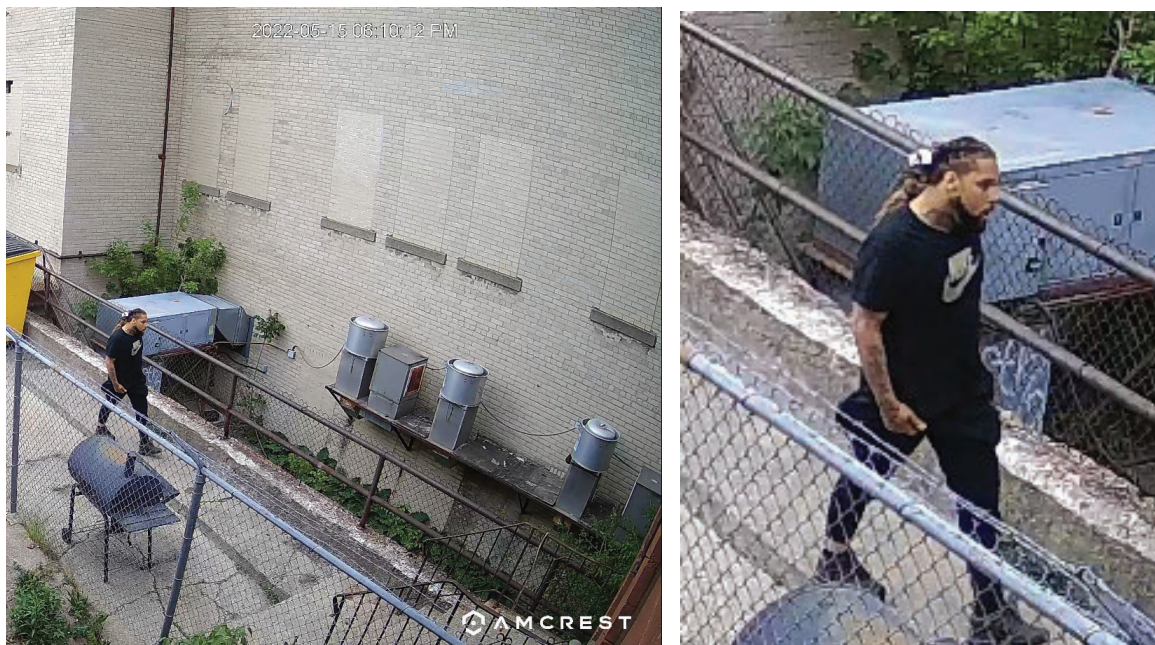
19. Warner proceeded to drive the white Dodge Ram to S. Perry Street near Water Street. Warner exited the driver's seat and had blood visible on his back. A known associate of WARNER entered the driver's seat and drove the vehicle west on E. Pike Street. WARNER, who was on foot, walked northbound in the direction of the hospital.

20. Additional surveillance footage captured SMITH running down the alley behind several businesses. SMITH stopped between a business and a fenced



in area while holding his right pocket/waistband area. SMITH used his left hand to retrieve a dark colored object from his left pocket/waistband area. SMITH used his right hand toward his right pocket/waistband area, lifting up his shirt in the process. SMITH leaned between the building and a fenced area (not covered by the surveillance camera video) then, several seconds later, walked away. (See Image One below, screenshot of surveillance footage (the second image is cropped and magnified from the first image)).

Image One

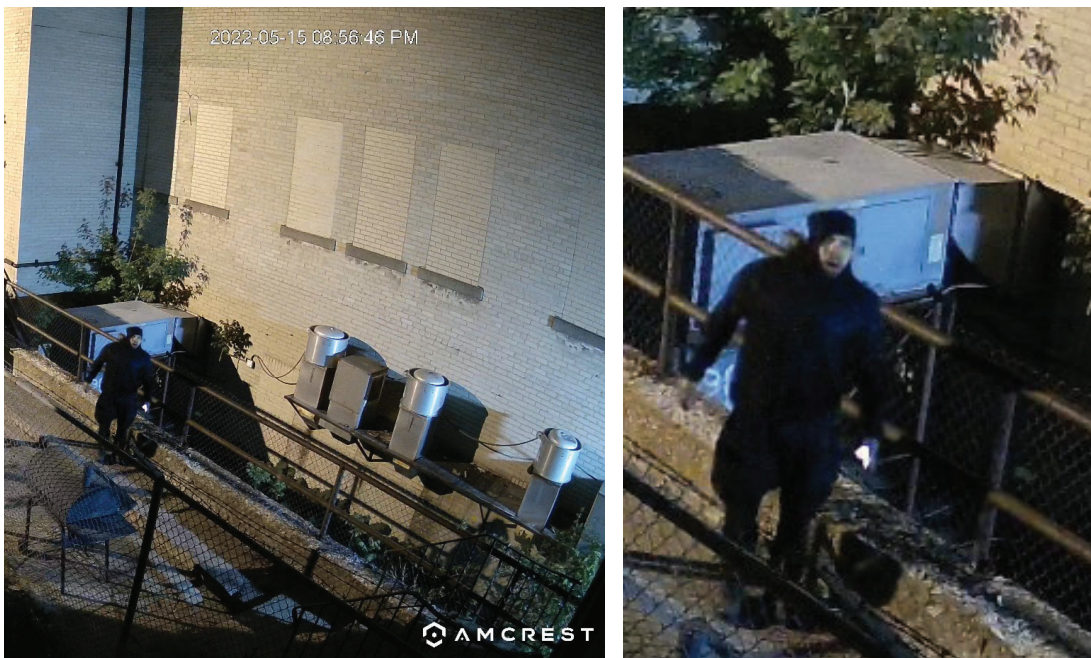


21. At approximately 10:36 p.m., SMITH returned to the alley holding a cell phone and wearing a hooded sweatshirt with his face visible with his distinct multi-colored braids in a ponytail. SMITH entered the area between the building and the fenced area and disappeared off camera for over twenty seconds. Once



back on camera, SMITH used his right hand to place a black “L” shaped object, consistent with the shape of a pistol, in his right pocket/waistband area. SMITH next moved his left hand toward his left pocket/waistband area then walked away. (See Image Two below which is a screenshot from the surveillance video (the second image is cropped and magnified from first image)).

Image Two



22. On May 16, 2022, the day after the shooting, ATF executed a federal search warrant at 346 N. Cass Avenue in Pontiac. The location was connected to an associate of Warner. Warner was found inside the residence. ATF recovered a total of seven firearms including a Master Piece Arms pistol.

23. On May 26, 2022, the OCSO and ATF recovered the white Dodge Ram from an address approximately one mile from the shooting. The OCSO and

ATF personnel observed several bullet holes in the flatbed door of the truck. The back window was shattered, both sides of the vehicle was damaged, and an apparent bullet hole was found in the driver's side window. The hole appeared to be consistent with a shot originating from inside the truck. The OCSO had the vehicle towed pending the acquisition of a search warrant.

24. The OCSO and ATF recovered one 9mm fired cartridge case from the driveway next to the driver's side door. NIBIN identified the 9mm fired cartridge case as likely fired by the Master Piece Arms 9mm pistol recovered from 346 N. Cass Avenue on May 16. NIBIN further identified the Master Piece Arms 9mm pistol as one of the firearms used during the May 15 shooting.

C. Facebook User ID "hen.aye.aye3"

25. On June 1, 2022, I reviewed the publicly available Facebook profile associated with Facebook User ID "hen.ayeaye.3" (Facebook Vanity Name "Aye Aye Hen"). I identified SMITH as the individual in the images and videos posted by the user. The page included the profile picture and other images and videos posted by the user. Based on those observations and the Facebook user ID and Vanity Name, I determined SMITH accessed and utilized the account.

26. On June 1, 2022, Facebook User ID "hen.aye.aye3" posted the below image to the user's story (see Image Three). Image Three depicted SMITH with

what appeared to be a black AR-type pistol slung around his neck. Image Three also contained the text “WEDNESDAY”. June 1, 2022, was a Wednesday.

Image Three



D. SMITH's Phone and the Subject Premises

27. On May 26, 2022, I queried Accurant for Law Enforcement, a law enforcement database with publicly and privately obtained information. I identified the number coupled with SMITH's phone as a possible phone number for SMITH. On that same date, an ATF Intelligence Research Specialist queried TLO, another law enforcement database, and also identified the number coupled with SMITH's phone as a possible phone number for SMITH.

28. A query of Oakland County Jail records located several recorded phone calls made to SMITH's phone by an inmate in May of 2022. On May 21, 2022, the inmate called SMITH's phone and an individual believed to be SMITH

stated, “. . . shit let them tell it I’, dead like three, four, days ago. They kilt me over on the east side . . . . They kilt me and Quell.” The phone call occurred six days after the shooting. Based on the ongoing investigation into the shooting, I know that “Quell” is the nickname for Warner. In the same call, either the inmate or SMITH stated “Heny Heny Hen”. I am aware that “Aye Aye Hen” is the nickname and rap alias used by SMITH.

29. On June 3, 2022, I obtained federal search warrants for a Pen Register/Trap and Trace, E-911 and geolocation information, and call detail records (CDR) associated with SMITH’s phone number (248) 954-1344. The warrant also authorized the use of a Cell Site Simulator or Wi-Fi Geolocation Device.

30. ATF Intelligence Research Specialist Malone reviewed the historical call detail records for May 15, 2022, through June 3, 2022 (the dates authorized by the search warrant). During the overnight hours, SMITH’s phone connected to a cellular tower that served the area that included the Subject Premises. The historical records also confirmed that SMITH’s phone was in the area of the shooting and the alley where SMITH hid and retrieved the firearms after the shooting.

31. From June 3, 2022, through June 14, 2022, SMITH’s phone pinged in an area consistent with Rockwood, Tennessee.

32. On June 14, 2022, at approximately 10:30 p.m., GPS ping information placed SMITH's phone, once again, in Pontiac, Michigan. Ping data cannot locate a specific phone at a specific location. Ping data only provides an area, covered by a particular cellular tower, where a phone is located. A review of pen register and GPS ping data revealed, during the overnight hours of June 14, 2022, into June 15, 2022, SMITH's phone was in the area of the Subject Premises.

i. Surveillance on June 15, 2022

33. On June 15, 2022, at approximately 9:18 a.m., I established fixed physical surveillance of the Subject Premises. I observed a shirtless SMITH, with his distinctive blonde dreadlocks in a ponytail/bun, standing inside the front door of the Subject Premises with the door open. Shortly thereafter, SMITH closed the door and remained inside the residence.

34. At approximately 11:26 a.m., a black Ford Explorer or Ford Edge, driven by a white male smoking a cigarette and wearing a white t-shirt, backed into a parking spot near the Subject Premises. The white male exited the vehicle, knocked on the front door, and was granted entry by someone within the Subject Premises.

35. At approximately 12:29 p.m., GPS ping data placed SMITH's phone in the area of the Subject Premises.

36. At approximately 12:35 p.m., I discontinued surveillance.

37. At approximately 12:54 p.m., pen register data showed SMITH's phone was likely in a vehicle. The phone started a data session which connected to several towers throughout Pontiac and in locations away from the Subject Premises.

38. At approximately 12:59 p.m., OCSO established fixed physical surveillance of the Subject Premises. The black Ford Explorer or Edge was no longer parked near the Subject Premises.

39. At approximately 1:15 p.m., GPS ping data placed SMITH's phone in Pontiac, but away from the Subject Premises. At approximately 1:17 p.m., the black Ford Explorer or Edge parked near the Subject Premises. SMITH, wearing a white t-shirt with his distinct blonde dreadlocks in a ponytail/bun, exited the front passenger seat and a white male exited the driver's seat. SMITH, the white male, and a heavy-set black male, entered the front door of the Subject Premises. SMITH, who was the first to enter, knocked on the door and entered.

40. At approximately 1:30 p.m., GPS ping data indicated that SMITH's phone connected to a cellular tower in an area consistent with the Subject Premises. OSCO surveillance was discontinued at approximately 1:32 p.m.

41. At approximately 2:25 p.m., ATF Special Agents initiated fixed video surveillance of the Subject Premises. At approximately 4:41 p.m., SMITH exited the front door of the Subject Premises wearing a white t-shirt and multicolored



shorts. At approximately 4:47 p.m., SMITH returned to the Subject Premises carrying a black grocery bag and holding a cellular phone. SMITH was let in by an older black female who retrieved the mail from the mailbox. At approximately 4:48 p.m., SMITH departed from the residence while holding and utilizing a cellular phone.

ii. Surveillance on June 16, 2022

42. In the early hours of June 16, 2022, GPS ping data indicated that SMITH's phone connected to cellular towers in various locations throughout Pontiac. At approximately 3:30 a.m., GPS ping data indicated that SMITH's phone connected to a cellular tower in the area of the Subject Premises. Around that same time, SMITH entered the front door of the Subject Premises. The GPS ping data continued to show that SMITH's phone connected to a cellular tower in an area that included the Subject Premises for the remainder of the night.

43. Between 9:15 a.m. and 11:15 a.m., SMITH entered and exited the Subject Premises numerous times. On multiple occasions, he entered the Subject Premises without a key or knocking on the front door. During this time period, SMITH was observed wearing two different sets of clothing. Based on this surveillance, SMITH appears to maintain different clothing at the Subject Premises.

#### **IV. TRAINING AND EXPERIENCE**

44. Based on my training and experience, and the training and experience of Special Agent Weston, in addition to my discussions with other state and federal law enforcement officers, the following characteristics are consistent among firearms and individuals prohibited from possessing firearms.

45. Firearms are durable, non-perishable goods, which can be expected to remain in the individual's possession for extended periods. Unlike drugs, firearms can be retained indefinitely.

46. Individuals who are prohibited from possessing firearms rarely discard them. Given the criminal exposure associated with acquiring firearms as a prohibited individual, prohibited individuals store their firearms, for future use, in a secure location like a residence. The evidence from this investigation revealed that SMITH hid the firearms used in the May 15, 2022, shooting. Although the firearms were well hidden, SMITH returned to the alley, retrieved the firearms, and left the area. SMITH maintained possession of the firearms despite the criminal activity connected to the firearms and his prohibited status.

47. For the reasons described above, firearms, in the possession of prohibited individuals, are oftentimes kept for years.

48. Individuals who possess firearms often possess other items commonly used or acquired in connection with the possession of firearms. Some of these

items include, but are not limited to, other firearms, firearm parts, ammunition, firearm receipts, firearms brochures or owner's manuals, records of sale or acquisition of firearms, firearms magazines, and holsters.

49. Individuals, especially those involved in shootings, store those firearms in secure location like homes and vehicles, or on their persons so that the firearms are easily accessible.

50. Individuals who are prohibited from possessing firearms often post videos and/or images to social media documenting their possession of firearms. These individuals also post pictures of United States currency as evidence that they have the money to purchase the firearms. Those firearms posted on social media are frequently seized during search warrants, arrests, and other encounters with law enforcement. I have participated in numerous investigations where a target posted firearms on social media. The posted firearms were subsequently recovered during the execution of a search warrant at a location accessible to the same target. Within the last sixteen days, on June 1, 2022, SMITH posted an image to Facebook depicting SMITH holding what appears to be a black AR pistol.

51. Individuals who illegally possess firearms frequently use cell phones to take photographs and videos of themselves in possession of firearms. These same individuals use cell phones to call and/or text (with native applications on the phone or through social media applications) to arrange for the purchase and sale of

firearms, ammunition, and/or accessories. I have personally reviewed dozens of forensic extractions of cell phones seized from individuals who illegally possessed firearms. I have observed pictures and videos of the individuals possessing firearms. I have also observed communications through calls, texts, and social media applications, which involved the purchase or sale of firearms, ammunition, and/or related accessories.

52. Cellphones have the ability to upload photographs to Facebook. Given that SMITH posted the image of himself with a firearm on Facebook, probable cause exists that the photograph is stored on his phone.

53. I drafted a text message to the Target Cellular Device in iMessage and the text box arrow turned “blue” indicating the Target Cellular Device is a cellular device capable of taking and uploading photographs to Facebook.

## **V. CONCLUSION**

54. Probable cause exists that the subject premises contain fruits, instrumentalities, and evidence of federal crimes specifically relating to violations of 18 U.S.C. § 922(g)(1).

55. Probable cause exists that SMITH resides at the Subject Premises based on ATF surveillance, OCSO surveillance, and the historical data collected from his cellular phone.

56. The shooting that, in part, initiated this investigation, occurred on May 15, 2022, approximately 33 days ago. SMITH hid the firearms right after the shooting. Hours later, on the same day, SMITH recovered the firearms from the alley in Pontiac. SMITH clearly demonstrated that he wanted to retain the firearms. Based on my training and experience and the facts set forth above, probable cause exists that the firearms are located at the Subject Premises.

Respectfully submitted,



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Brett J. Brandon  
ATF Special Agent

Sworn to before me and signed in my presence  
and/or by reliable electronic means.



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Hon. Kimberly G. Altman  
United States Magistrate Judge

Dated: June 16, 2022

## **ATTACHMENT A**

61 Grantour Court is a single family apartment unit with tan brick, a brown roof, and brown shutters located in building 21 within the Auburn Village Apartment Complex. “61 Grantour Court” is displayed on a brown and white sign to the south of the front door. The apartment is in northernmost unit in building 21 with the front door facing east. The apartment is located on Grantour Court just north of Brookwood Lane.





**ATTACHMENT B**

The government is entitled to seize and/or document (through photographs) all information that constitutes fruit, evidence, or instrumentalities of violations of 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm, involving Henry Lee SMITH Jr. and associates, including, but not limited to the following items:

- a. Firearms, firearm parts, ammunition, and firearm accessories;
- b. Any and all documents or papers related to residency, occupancy, ownership, dominion or control of the Subject Premises, including, but not limited to, rent and property receipts, keys, bills, and cancelled mail envelopes and contents;
- c. Any and all photographs of firearms, ammunition, United States currency, or paraphernalia or other contraband;
- d. Any cell phones associated with SMITH or under the control of SMITH;
- e. Clothing worn by SMITH as depicted in Images One and Two above (including cropped images).

Hon. Kimberly G. Altman, U. S. Magistrate Judge  
*Printed name and title*

**Return**

Case No.:

22-mc-51002-3

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*